IN THE HIGH COURT OF JUDICATURE, AT JABALPUR

W.P. NO. 4984 /2000

PETITIONER

M.P. Tobacco Ltd., a company duly incorporated under the Companies Act, 1956, having it's registered office at 123/B Raibahadur Road, Calcutta-700 034, and having it's office and Works at Phulgaon, Potia Road, Durg (MP).

VERSUS

RESPONDENTS:

1. Union of India through the Secretary, Ministry of Finance, North Block NEW DELHI

2. Commissioner of Central Excise (Adj), Room No.136, C.R. Building, New Delhi.

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, DIRECTION/DIRECTIONS, ORDER/ORDERS

(195)

**HIGH COURT OF JUDICATURE AT BILASPUR: CHHATTISGARH**

**DIVISION BENCH**

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**CORAM:** **HON'BLE SHRI H.L. DATTU, CJ AND**
**HON'BLE SHRI V.K. SHRIVASTAVA, J.**

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**Writ Petition No.4984 of 2000**

**PETITIONER** M.P. Tobacco Ltd.

**VERSUS**

**RESPONDENTS** Union of India and another.

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Present: Shri Amrito Das, counsel for the petitioner.
Shri Bhishma Kinger, Standing counsel for Union of India.

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**ORAL ORDER**

**(Passed on 28th February, 2007)**

The following oral order of the Court was passed by **H.L. Dattu, CJ.**

The petitioner is a private limited company. This petition is filed under Articles 226 and 227 of the Constitution of India seeking the following reliefs :-

"i) to issue a writ in the nature of mandamus directing the respondents to supply copies of all documents relied upon in the show cause notice dated 29/9/95 (Annexure P/ );

ii) to issue a writ, order or direction in the nature of mandamus directing the respondents to deposit all relied upon documents with the respondent No.2;

iii) to give any relief, orders or directions as it deems fit and expedient under the present facts and circumstances of the case.

iv) Cost of the petition may also kindly be awarded in favour of the petitioner".

(2) This Court, while entertaining the writ petition, had granted an interim order staying the proceedings before the Commissioner of Central Excise (Appeals), New Delhi.

(3) We are informed by learned Standing Counsel appearing for the Union of India/respondents that this writ petition was rejected by this Court for non-prosecution. Before restoration of the writ petition, the 2nd respondent has already passed an order on the appeal filed by the petitioner. Learned counsel appearing for the petitioner does not dispute the correctness of the statement made by learned Standing Counsel for the respondents. Therefore, in our view, the relief sought for in this writ petition would not survive for our consideration. Accordingly, the writ petition is disposed of as having become infructuous. However, liberty is reserved to the petitioner to make appropriate application before this Court, if for any reason, the statement made by learned Standing Counsel appearing for the respondents is not correct. Ordered accordingly.

**Sd/-**
**Chief Justice**

**Sd//-**
**V.K.Shrivastava**
**Judge**